

06-CR-05191-ORD

JUDGE/MAGISTRATE Mary Alice Theiler

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 06-5191

vs.

LEONARD M. REEFF,

Defendant/Petitioner.

FINDINGS AND ORDER
ACCEPTING DEFENDANT FOR
DEFERRED PROSECUTION,
APPROVING TREATMENT
PLAN, AND DIRECTING
DEFENDANT TO TAKE
TREATMENT AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 5 day of June, 2006, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her/his attorney, Clifford G. Morey, and the United States of America being represented by Ken Tyndal, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Lakeside Milam,

FINDINGS AND ORDER ACCEPTING DEFENDANT
FOR DEFERRED PROSECUTION, APPROVING
TREATMENT PLAN, AND DIRECTING DEFENDANT
TO TAKE TREATMENT AS PRESCRIBED

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1 and the files and records herein, being fully advised in the premises, does now make and
2 enter the following:

3 **I. FINDINGS OF FACT**

4 A. On or about the 26th day of April, 2006, Petitioner was charged with the
5 offense/offenses charged in the Information. This offense occurred as a direct result of
6 alcoholism/chemical dependency problems;

7 B. Petitioner suffers from an alcohol/drug problem and is in need of
8 treatment;

9 C. The probability of similar misconduct in the future is great if the problem
10 is not treated;

11 D. Petitioner is amenable to treatment;

12 E. An effective rehabilitative treatment plan is available to Petitioner through
13 Lakeside Milam, an approved treatment facility as designated by the laws of the State of
14 Washington, and Petitioner agrees to be liable for all costs of this treatment program;

15 F. That Petitioner agrees to comply with the terms and conditions of the
16 program offered by the treatment facility as set forth in the diagnostic evaluation from
17 Lakeside Milam, attached to Statement of Petitioner filed herewith, and that Petitioner
18 agrees to be liable for all costs of this treatment program;

19 G. That Petitioner has knowingly and voluntarily stipulated to the
20 admissibility and sufficiency of the facts as contained in the written police report attached
21 to Statement of Petitioner filed herewith.

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1 H. That Petitioner has acknowledged the admissibility of the stipulated facts
2 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
3 revocation of this Order Granting Deferred Prosecution and that these reports will be
4 used to support a finding of guilt;

5 From the foregoing FINDINGS OF FACT, the Court draws the following:

6 **II. CONCLUSIONS OF LAW**

7 A. That the above-entitled Court has jurisdiction over the subject matter and
8 Petitioner, Leonard M. Reeffer, in this case;

9 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
10 of RCW 10.05 et seq.;

11 C. That the diagnostic evaluation and commitment to treatment meets the
12 requirements of RCW 10.05.150;

13 D. That Petitioner is eligible for deferred prosecution.

14 **III. ORDER**

15 Having made and entered the foregoing FINDINGS OF FACT and
16 CONCLUSIONS OF LAW, it is hereby

17 ORDERED that the defendant is accepted for deferred prosecution. The
18 prosecution of the above-entitled matter is hereby deferred for a five (5) years pursuant to
19 RCW 10.05 et seq., upon the following terms and conditions:

20 A. Petitioner shall be on probation for the deferral period and follow the rules
21 and regulations of probation;

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1 B. Petitioner shall enroll in and successfully complete the two-year treatment
2 program recommended by Lakeside Milam according to the terms and conditions of that
3 plan as outlined in the diagnostic evaluation, a true copy of which is attached to the
4 Petition and incorporated herein by reference. Petitioner shall not change treatment
5 agencies without prior Probation approval;

6 C. The treatment facility, Lakeside Milam, shall file with the United States
7 Probation Office status reports of Petitioner's compliance with treatment, monthly during
8 the first year of the deferred prosecution period and every three (3) months during the
9 second year. The Court may increase the frequency of these reports at its discretion;

10 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
11 change.

12 E. Petitioner shall abstain during the deferred prosecution period from any
13 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

14 F. Petitioner shall not operate a motor vehicle on the public highways
15 without a valid operator's license and proof of liability insurance sufficient to comply
16 with the state laws on financial responsibility;

17 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
18 related offenses or other criminal offenses during the period of deferral,

19 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
20 questioned, or cited by Law Enforcement.;

21 I. In the event that Petitioner fails or neglects to carry out and fulfill any
22 term or condition of her/his treatment plan or violates any provision of this Order or any

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1 rule or regulation of her/his probation officer, upon receiving notice, the Court shall hold
2 a hearing to determine why Petitioner should not be removed from deferred prosecution
3 and prosecuted for the offense/offenses charged;

4 J. In the event the Court finds cause to revoke this deferred prosecution, the
5 stipulated police reports shall be admitted into evidence, and Petitioner shall have her
6 guilt or innocence determined by the Court;

7 K. That the statement of Petitioner for Deferred Prosecution shall remain
8 sealed, and all subsequent reports or documents relating to her treatment information
9 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

10 L. That the Department of Licensing be notified of this Order accepting the
11 Petitioner for deferred prosecution;

12 M. Upon proof of Petitioner's successful completion of five years deferral
13 period in this Order, the Court shall dismiss the charges pending against Petitioner.

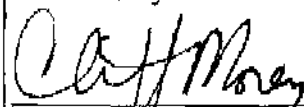
14 N. Additional conditions: _____

15 DONE IN OPEN COURT this 5 day of June, 2006.

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17 
18 UNITED STATES MAGISTRATE JUDGE

19 Presented by:

MARY ALICE THEILER
US MAGISTRATE JUDGE

20 
21 Clifford G. Morey, WSBA # 13741
22 Attorney for Petitioner

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1 I have received a copy of the foregoing Order of Deferred Prosecution. I have
2 read and understand its contents, and agree to abide by the terms and conditions set forth
3 herein.

4 Dated: MAY 9th 2006


Leonard M. Reeff
Petitioner

6 I certify that a copy of this signed Order was mailed to the subject treatment
7 facility, on 6/8/06. The United States Probation Office was also
8 furnished a copy of this Order.

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Clerk

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